

**COTTAGE CITY COMMISSION  
TOWN OF COTTAGE CITY**

**ORDINANCE NO. 2019 - 03**

**AN ORDINANCE OF THE TOWN OF COTTAGE CITY ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF COTTAGE CITY, PRINCE GEORGE'S COUNTY, STATE OF MARYLAND; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES; EXEMPTING THE TOWN FROM CERTAIN COUNTY ORDINANCES AND AUTHORIZING THE DEPOSIT OF SAID CODE WITH A STATE AGENCY; AND GENERALLY RELATING TO THE ENACTMENT AND ADOPTION OF A NEWLY CODIFIED CODE OF ORDINANCES**

Introduced By: Commissioner-Chair Young

**WHEREAS**, the Town of Cottage City, Maryland (hereinafter, "the Town") is a municipal corporation of the State of Maryland, organized and operating under a Charter as enacted by Charter Amendment Resolution 1-82, effective April 1, 1982, as amended, pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Md. Code Ann., Division II (Municipalities) of the Local Government Article ("LG Article"); and

**WHEREAS**, pursuant to §5-205(c) of the LG Article, Annotated Code of Maryland, and Section 602(7) of the Town Charter, the Town is empowered to provide for the codification of all ordinances; and

**WHEREAS**, pursuant to §4-110 of the LG Article of the Annotated Code of Maryland for the purpose of providing ready access to a current compilation of the municipal corporation's ordinances, each municipal corporation in the State shall provide annually (if the municipal corporation during the past year has enacted any ordinances appropriate for codification) for the editing, preparation, publication, and sale or other distribution of a supplement to its most recent code of ordinances, or of a new edition of the code; and

**WHEREAS**, the Cottage City Commission has previously engaged a professional codification services company to assist the Town in continuously publishing, updating, organizing and maintaining its Code of Ordinances and Town Charter so that public officials, the courts, government agencies, residents, property owners and the general public have readily available and accessible for their use on-line or in printed, hard copy format, an accurate, reliable, professional, easy to access and centralized repository of the Town's ordinances and charter provisions; and

**WHEREAS**, in addition to enacting the below Chapter 16, it is the intent of the Cottage City Commission, by virtue of adoption of this Ordinance, to update, revise, supplement, and

replace the Code of the Town of Cottage City that was prepared and codified on October 31, 2007, as amended, with the new Code and Charter prepared by General Code, LLC, consisting of the Charter (C:1), and the Code including Chapters 1 (Animals and Fowl) through 16 (General Provisions) of the Code of Ordinances, which is entitled the “The Code of the Town of Cottage City (2019).”

## **SECTION 1.**

**NOW THEREFORE BE IT ORDAINED** by the Cottage City Commission that the following new Chapter 16 provided immediately herein below and the newly codified Code (provided herein below in Exhibit 1 (the Code manuscript) as a new Code to be known as “The Code of the Town of Cottage City (2019)” or “Code of Ordinances,” to be published and maintained by General Code, LLC, and attached hereto as Exhibit 1 and incorporated by reference herein as if written word for word, as amended by said new Chapter 16, are hereby adopted and approved.

*\* \* \* [Insert prior Chapters of Code and supplementary provisions as found in Exhibit 1.]*

## **CHAPTER 16 GENERAL PROVISIONS**

### **§ 16-1. Adoption of Code.**

Pursuant to the authority contained in Section 18(13) of the Town Charter, the ordinances of the Town of Cottage City of a general and permanent nature, adopted by the Cottage City Commission, as revised, codified and consolidated into chapters and sections by General Code, LLC, and consisting of the Charter, Code (Chapters 1 through 16), together with a Charter Appendix I (Urban Renewal Authority for Slum Clearance), are hereby approved, adopted, ordained and enacted as the “The Code of the Town of Cottage City (2019),” hereinafter known and referred to as the “Code of Ordinances” or “Code.”

### **§ 16-2. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

### **§ 16-3. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

#### **§ 16-4. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the Town Manager of the Town of Cottage City and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Manager of the Town of Cottage City, and such certified copy shall remain on file in the office of the Town Manager, to be made available to persons desiring to examine the same during all times while said Code is in effect.

#### **§ 16-5. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the Cottage City Commission to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "The Code of the Town of Cottage City (2019)" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

#### **§ 16-6. Posting; filing and notice.**

- A. The Town Manager shall cause this Adopting Ordinance to be posted on an official bulletin board to be maintained by the Cottage City Commission in a public place until it is approved or disapproved. Sufficient copies of the Code shall be maintained in the office of the Town Manager for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes, provided Subsection B of this Section is performed.
- B. Pursuant to Section 15 of the Town Charter, a fair summary of this Adopting Ordinance and every ordinance excepting emergency ordinances shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the Town. A fair summary of every ordinance including this this Adopting Ordinance, and including emergency ordinances, shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

#### **§ 16-7. Code book to be kept up-to-date.**

It shall be the duty of the Town Manager or someone authorized and directed by the Town Manager to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances (and charter amendment resolutions) adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

#### **§ 16-8. Sale of Code book.**

Copies of the Code may be purchased from the Town Manager upon the payment of a fee to be established by the Cottage City Commission, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

#### **§ 16-9. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Cottage City to be misrepresented thereby. Any violation of this section shall be punishable as a municipal infraction to the maximum fine amount permitted by the Town Charter.

#### **§ 16-10. Severability.**

- A. Severability of Code provisions. Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof or its application to any person or circumstance to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof or its application to any person or circumstance to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

#### **§ 16-11. Inconsistent ordinances repealed.**

Except as provided in § 16-12, Ordinances saved from repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Cottage City which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

#### **§ 16-12. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 16-11 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 1, 2019.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- M. Any ordinance or portion of an ordinance establishing or amending a specific fee amount for any license, permit or service obtained from the Town.

#### **§ 16-13. Changes in previously adopted ordinances.**

In compiling and preparing the ordinances for revision as part of the Code, certain grammatical changes and other non-substantive minor changes were made in one or more of said ordinances. In addition, chapter and section number references to the ordinances may have been renumbered for consistency. It is the intention of the Cottage City Commission that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

#### **§ 16-14. Exemption or adoption of Prince George's County ordinances.**

- A. Pursuant to Md. Ann. Code, LG Article, § 4-111 and unless the provisions of this Code of Ordinances expressly state otherwise, the Town is generally exempt from all legislation heretofore or hereafter enacted by the County relating to any subject upon which the Town has been heretofore or is hereafter granted legislative authority to act, either by public general law or by the Town Charter, and upon which subject the Town in fact acts. Legislation of Prince George's County pertaining to a subject as to which the Town has not acted shall be in effect in the Town unless and until the Town specifically exempts itself therefrom.
- B. Whenever, in this Code, the Town adopts or incorporates by reference, or otherwise subjects itself or persons within its boundaries to the ordinances or regulations of Prince George's County, Maryland, it is the intention of the Cottage City Commission to adopt any amendments that might subsequently be enacted by the Prince George's County Council, such that the most current version of such ordinance or regulation then in effect in the unincorporated areas of Prince George's County shall be effective within the Town.

#### **§ 16-15. Deposit of copies with state agencies; changes to charter.**

Pursuant to § 4-109 of the Local Government Article of the Annotated Code of Maryland, a copy of the Code of the Town of Cottage City containing the Charter may be deposited with the Maryland Department of Legislative Services. Said Town Charter shall be amended or re-codified solely according to the procedures found in Subtitle 3 of the Local Government Article of the Md. Ann. Code.

\* \* \*

#### **SECTION 2.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that it is the intention of the Cottage City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become or continue to be made part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention, and that Chapter 16 of the Code of Ordinances is hereby permanently amended to read as stated herein above.

#### **SECTION 3.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, this Ordinance shall take effect and become effective at the expiration of twenty (20) calendar days following adoption by the Cottage City Commission.

#### **SECTION 4.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the Town, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

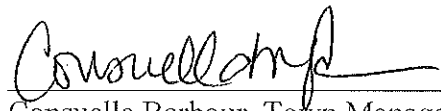
**SECTION 5.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

**HAVING BEEN INTRODUCED AND HAVING BEEN READ** as a regular ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of a majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 10 day of July 2019, at 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

  
Consuella Barbour, Town Manager

By:   
Ann Young, Commissioner-Chairman

[Exhibit 1 – Code Manuscript prepared by General Code, LLC]

**CERTIFICATION**

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 10 day of July 2019 with 5 Aye votes and      Nay votes, the aforesaid Ordinance 2019-03 passed.

  
Consuella Barbour, Town Manager

